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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA FOURTH APPELLATE DISTRICT

DIVISION TWO

In re A.S., a Person Coming Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.S.,

Defendant and Appellant.

E061425

(Super.Ct.No. J252362)

OPINION

APPEAL from the Superior Court of San Bernardino County. Lynn M. Poncin, Judge. Affirmed.

Jason L. Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Julie L. Garland, Assistant Attorney General, Barry Carlton, and Christopher P. Beesley, Deputy Attorneys General, for Plaintiff and Respondent.

After the People agreed to reduce the allegation to a misdemeanor, defendant and

appellant A.S. (minor) admitted an allegation that he committed the offense of vandalism, causing in excess of \$400 damage (count 1; Pen. Code, § 594, subd. (b)(1))¹ by defacing with graffiti curbs, light poles, signs, walls, electrical boxes, and fences belonging to five victims, including the City of Montclair. After several memoranda and hearings on the issue of victim restitution, the juvenile court ordered minor to pay \$1,240 in restitution and a 10 percent collection fee to the City of Montclair as a condition of minor's probation.

On appeal, minor contends the court abused its discretion by awarding restitution in the amount of \$1,240. In addition, minor maintains the trial court erred in imposing the 10 percent collection fee. The People originally conceded the court abused its discretion in its award of restitution and urged the matter be remanded to the juvenile court for recalculation of the restitution award. However, the People rescinded its concession after we requested supplemental briefing. The People now argue the court properly imposed both the amount of victim restitution and the 10 percent collection fee. We affirm.

FACTS AND PROCEDURAL HISTORY²

On October 22, 2013, an officer was dispatched to an area where there were

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² Minor stipulated the police reports and petition would provide the factual basis for his admission. By order dated February 11, 2015, we took judicial notice of the application for petition and juvenile statement of probable cause and the attached police report as they were not included in the original record. We derive a portion of our factual recitation from these sources.

reports of vandalism which had just been committed. While on route, dispatch advised the officer three suspects had been observed vandalizing a wall with spray paint in the area to which the officer had been dispatched. The suspects were reportedly walking away from the area. When the officer arrived, he found graffiti which was still wet and a strong odor of paint.

The graffiti affected three individual victims and the cities of Pomona and Montclair. Eighteen locations belonging to the City of Montclair were vandalized including curbs, seven light poles, four brick walls, and three city signs. Five items of graffiti were found on a wooden fence belonging to an individual resident, six items on another resident's fence, and three items on a third individual victim's fence. The damage caused to the three individual victims' property was estimated at \$665. Three items of vandalized property belonging to the City of Pomona were found.

One victim reported being in his bedroom when he heard yelling and looked outside. He saw two subjects outside, one of whom was minor. The victim observed minor spray painting another victim's fence. The victim identified the three apprehended minors as those he saw outside.

As the officer attempted to trace the path of the graffiti, he located 36 separate items of vandalism. All were wet, sticky to the touch, and emanated a strong odor of paint. Nineteen items of graffiti read "DEA," seven read "MIZER," three read "TAR," seven read "DETEK," three read "ROZER," one read "451," and one read "K." Minor had blue, black, and white paint on his shirt and black paint on his hands. The colors matched those used in the vandalism.

On December 6, 2013, the People filed a juvenile wardship petition alleging that on or about October 22, 2013, minor had committed the crime of vandalism and "did unlawfully and maliciously deface with graffiti and other inscribed material and otherwise damage and destroy real and personal property, to wit, CURBS, LIGHT POLES, SIGNS, WALLS, ELECTRICAL BOXES AND FENCES, not his ... own, belonging to the CITY OF MONTCLAIR, CITY OF POMONA [and three individual victims] the amount of said damage being over \$400.00." On December 23, 2013, the juvenile court continued the matter for preparation of a probation memorandum regarding the square footage of the property damaged for purposes of ordering restitution.

On January 23, 2014, the court received a memorandum from the probation officer reflecting that one of the individual victims "stated she suffered approximately 8 square feet of vandalism to her fence. The City of Pomona painted over the graffiti on [the victim's] fence; however, the paint does not match her fence and she would like restitution for the painting of her entire fence. She is working on obtaining an estimate."

On January 28, 2014, minor admitted the allegation in count 1 after the People reduced the offense to a misdemeanor. On February 13, 2014, probation submitted a juvenile report face sheet in which it reported, "On February 5, 2014, Probation contacted ... a Police Service Specialist with the city of Montclair. She stated the city of Montclair was seeking \$2712.50 in restitution. This amount included the damage to city property totaling \$1395 and the remaining \$1317.50, was what the city spent to cover the residential property damage." The city of Montclair tabulated its graffiti abatement costs as incurring \$35 an hour for the worker, \$15 an hour for the truck, \$10 an hour for use of

a pressure washer and/or sandblaster, and materials of \$17.50 per hour. Thus, it computed its damages as costing \$77.50 per hour for abating each incident of graffiti which was under five square feet.

The city of Pomona was not seeking restitution. The probation officer recommended term No. 18 of minor's probation require that he pay victim restitution to the city of Montclair in the amount of \$2,712.50. The probation officer recommended term No. 19 require minor pay a 10 percent fee pursuant to section 1203.1 and San Bernardino County Ordinance section 3026 for administrative costs.

At a hearing on February 27, 2014, defense counsel requested a new memorandum providing documentation for the recommended amounts of restitution. The juvenile court placed minor on nonwardship probation and continued the matter for an additional hearing on the recommended probation term Nos. 18 and 19. On March 21, 2014, the court requested "a memorandum from the probation department regarding outstanding restitution."

On April 21, 2014, the probation officer submitted a probation memorandum in which he reported, "On April 15, 2014, the Montclair Police Department faxed over a copy of police report number 13-4629. The damage done by the minor and his coparticipants includes: \$1,395.00 dollars damage to the City of Montclair (victim 1), \$387.50 to [] (victim 2), \$465.00 dollars damage to [] (victim 3), and \$232.50 dollars damage to [] (victim 4). On April 18, 2014, this officer confirmed the City of Montclair covered all areas minor [] and his co-participants defaced. The total amount of loss to the victims was \$2,480.00 dollars. The City of Pomona was also listed as a victim in

Montclair Police Department's report but on February 6, 2014, the City of Pomona's Risk Management reported they were not seeking restitution in this matter." The probation officer recommended an order awarding restitution of \$2,480 and a 10 percent collection fee.

At the hearing on April 23, 2014, defense counsel observed, "We do have a memo, your Honor. But unfortunately it just refers back to the police report which was not what we were asking for. We were hoping to get some documentation of the actual restitution in this case as opposed to just what their formula is generally speak[ing]. [¶] I don't know if the Court is willing to refer it for another report or whether we can put it over and I can do my own investigation or what." The court responded, "I will re-refer this matter to the probation department, ask that they submit documentation from the City of Montclair regarding the request for restitution."

On May 12, 2014, a probation officer issued another memorandum regarding restitution in which he recommended term Nos. 18 and 19 of minor's probation include, respectively, restitution to the City of Montclair in the amount of \$1,240 and a 10 percent collection fee. The officer noted in the report that the City of Montclair had cleaned 16 locations vandalized by minor and his coparticipants calculated at an amount of \$77.50 per hour each, which totaled \$1,240.

More specifically, the probation officer noted that 15 of the items of graffiti required 15 minutes to clean and the remaining one required 30 minutes to clean. The pressure washer or sandblaster was used to clean nine articles of graffiti. Fourteen of the items were less than or equal to five square feet. Two were greater than five square feet,

one was eight square feet, and the other 20 square feet.

At another hearing on restitution on May 13, 2014, defense counsel noted, "I would be objecting to that amount. This is based on a formula done by the City of Montclair which charges \$77.50 per location as a policy. But it's not indicating how long or how much it actually took for each of these – in fact most of them are 15 minutes.

Some of them have been cleaned off with steel wool or with rags. [¶] So it's not really indicating how much each – how much actual restitution is in this case." "But regardless, I think \$77.50 for each area – we have here a total of 84 square feet for all the locations. So I would be objecting to the amount based on the fact that it's not an actual amount for the damage done by the minor. It's just a formula that they use." The court continued the matter for a contested hearing on the amount of restitution.

At the contested restitution hearing on June 11, 2014, defense counsel observed, "It is not like they had to make 16 separate trips out to these areas. Some of them were done on the same day and they weren't too far away from each other." Defense counsel argued "it should come out to a total of \$329.37. That's as I calculated it." The court noted, "I don't think it's unreasonable that Montclair is requesting the amount of restitution of \$1,240 based on cleaning up the locations." The court ordered victim restitution and the 10 percent collection fee as recommended by the probation officer as conditions of minor's probation.

DISCUSSION

A. Restitution Award

Minor contends the court's order of victim restitution was an abuse of discretion

because, as reflected in the latest probation memorandum, 1) the amount of time spent cleaning each article of graffiti was substantially less than that reflected in the requested hourly amount for cleaning; 2) it reflected costs for multiple uses of the truck when the same truck appears to have been used in a single trip to clean all the items of graffiti; and 3) equipment and materials were not used to clean each article of graffiti. Thus, minor maintains the resulting restitution award was a windfall to the city and the amount of actual restitution should have only been \$237.50. As noted above, the People originally conceded the court's restitution award was an abuse of discretion. However, in its supplemental brief, the People rescind its concession and argue the restitution award was a valid condition of minor's probation. We agree with the People.

"An order of direct victim restitution acts to make the victim whole, rehabilitate the minor, and deter future delinquent behavior [citations], and is reviewed for abuse of discretion [citations]." (*Luis M. v. Superior Court* (2014) 59 Cal.4th 300, 305 (*Luis*).)
"[T]he trial court retains broad discretion under section 730.6 to estimate the material, equipment, and labor costs necessary to repair the damage caused by a discrete act of graffiti." (*Id.* at p. 310.) "A restitution order . . . shall be of a dollar amount sufficient to fully reimburse the victim . . . for all determined economic losses incurred *as the result of the minor's conduct* for which the minor was found to be a person described in Section 602, including . . . [¶] (1) Full or partial payment for the value of . . . damaged property. The value of . . . damaged property shall be . . . the *actual cost* of repairing the property when repair is possible." (*Id.* at p. 305, citing Welf. & Inst. Code, § 730.6, subd. (a)(2)(h).)

"The aim of [the Graffiti and Damage Recovery Program, Welfare and Institutions Code section 742.10 et seq.; Stats. 1994, ch. 909, § 11, p. 4603 et seq.] is to (1) help public and private property owners recover full damages from a minor who so defaces property; (2) safeguard the fiscal integrity of cities and counties by enabling them to recoup the full costs of graffiti remediation, as well as the costs of identifying and apprehending the minor; (3) minimize the costs of collecting restitution; (4) deter graffiti; and (5) rehabilitate the minor. [Citation.]" (*Luis, supra,* 59 Cal.4th at p. 306.)

"Awards under [Welfare and Institutions Code] section 730.6 are based on proof of the damage actually linked to *the minor's conduct*..." (*Luis, supra,* 59 Cal.4th at p. 307.) "Under the general statute, a restitution award for economic losses ([Welf. & Inst. Code,] § 730.6, subds. (h), (j)(2)) may include the materials, equipment, and labor costs incurred for remediation. Preexisting expenditures, such as salaried employees and equipment purchases, may be included provided those costs can be fairly apportioned on a pro rata basis to the minor's conduct. [Citation.]" (*Luis,* at p. 309 [Restitution in the amount of \$3,881.88 based on an average, city determined cost of \$431.32 per incident in general is improper as not reflecting a rational estimate of the minor's actual conduct where the minor was placed on probation with deferred entry of judgment.].)³ "While the court need not ascertain the exact dollar amount of the City's losses [citation], its calculation under [Welfare and Institutions Code] section 730.6 must have some factual nexus to the damage caused by the minor's conduct." (*Luis,* at p. 309 [Court abused its

³ It does not appear that the restitution ordered in *Luis* was a condition of the minor's probation.

discretion in awarding restitution based on average costs of cleanup rather than actual evidence of expense in cleaning the minor's specific acts of graffiti.].)

"When a court grants probation, it has broad discretion to impose conditions to foster rehabilitation and to protect public safety pursuant to [] section 1203.1. [Citation.] 'The trial court's discretion, although broad, nevertheless is not without limits: a condition of probation must serve a purpose specified in the statute.' [Citation.] Probation conditions that regulate conduct 'not itself criminal' must be 'reasonably related to the crime of which the defendant was convicted or to future criminality.' [Citation.] 'As with any exercise of discretion, the sentencing court violates this standard when its determination is arbitrary or capricious or ""exceeds the bounds of reason, all of the circumstances being considered."" [Citation.]" [¶] In imposing probation conditions, the juvenile court's power is even broader than that of a criminal court. [Citation.] Welfare and Institutions Code sections 727 and 730 authorize 'the juvenile court [to] impose and require ""any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced." [Citation.]" (In re James C. (2008) 165 Cal.App.4th 1198, 1203 [Applying section 1203.1 to juvenile delinquency proceedings.].)

As a *condition of probation* "[t]here is no requirement the restitution order be limited to the exact amount of the loss in which the defendant is actually found culpable, nor is there any requirement the order reflect the amount of damages that might be recoverable in a civil action." (*People v. Carbajal* (1995) 10 Cal.4th 1114, 1121.)

Carbajal disagreed with the defendant's contention a court could not order victim

restitution for losses which did not result from the defendant's criminal acts because the statutory scheme could not "be construed to limit the authority of the court to grant or deny probation or *provide conditions of probation*.' [Citation.]" (*Id.* at p. 1122.) Thus, it concluded that nothing in constitutional or statutory law "purports to limit or abrogate the trial court's discretion . . . to order restitution as a *condition of probation* where the victim's loss was not the result of the crime underlying the defendant's conviction, but where the trial court finds such restitution will serve one of the purposes" of reformation or rehabilitation inherent in a decision *to grant probation*. (*Ibid.*, italics added.)

""[T]he granting of probation is not a right but a privilege, and if the defendant feels that the terms of probation are harsher than the sentence for the substantive offense[,] he is free to refuse probation.' [Citations.] Because a defendant has no right to probation, the trial court can impose *probation conditions that it could not otherwise impose*, . . . It is not limited to damages specifically caused by the crime of which the defendant was convicted." (*People v. Rubics* (2006) 136 Cal.App.4th 452, 459-460 (Fourth Dist., Div. One).)

"When the juvenile court determines a minor is a ward of the court under Welfare and Institutions Code section 602, it has a variety of dispositional options. Should the court decide to place the minor on probation, '[t]he juvenile court has broad discretion in formulating conditions of probation." "The juvenile court's broad discretion to fashion appropriate conditions of probation is distinguishable from that exercised by an adult court when sentencing an adult offender to probation. Although the goal of both types of probation is the rehabilitation of the offender, '[j]uvenile probation is not, as with an

adult, an act of leniency in lieu of statutory punishment; it is an ingredient of a final order for the minor's reformation and rehabilitation.' [Citation.]" (In re Tyrell J. (1994) 8 Cal.4th 68, 81 overruled on another ground in *In re Jaime P.* (2006) 40 Cal.4th 128; accord In re D.G. (2010) 187 Cal.App.4th 47, 52; Alex O. v. Superior Court (2009) 174 Cal.App.4th 1176, 1180-1181 ["The juvenile court is statutorily authorized to place a ward on probation and "impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced." [Citation.]"; In re T.C. (2009) 173 Cal.App.4th 837, 842, 845-850 [Court's award of restitution in the amount of \$6,890 for stolen car on dismissed count was a valid condition of the minor's probation as reasonably related deterring the minor's future criminality]; *People v. Woods* (2008) 161 Cal.App.4th 1045, 1051.) "In light of this difference, a condition of probation that would be unconstitutional or otherwise improper for an adult probationer may be permissible for a minor under the supervision of the juvenile court. [Citations.]" (Tyrell, at p. 81.)

"In short, conditions of probation for minors are devised by the juvenile court and placed on a juvenile probationer to ensure his or her reformation and rehabilitation.' [Citations.]" (*In re Tyrell J., supra*, 8 Cal.4th at p. 81.) "A minor can, of course, object to particular conditions of probation as improper or unwarranted. [Citations.]" (*Ibid.* at fn. 3.) "[A]lthough a minor may not refuse a condition of probation imposed by the juvenile court, and thus cannot be deemed to have consented to the [] condition, that conclusion does not terminate our inquiry, for we must still decide whether the [probation condition] . . . violated his [constitutional] rights" (*Id.* at p. 83 [Holding warrantless

search condition of the minor probationer did not violate the minor's Constitutional rights.].)

"That no statute requires restitution in cases such as this does not mean that the court lacked the power to grant it. To the contrary, ... section 1203.1 confers broad power on the courts to impose conditions to foster rehabilitation and to protect public safety. [Citation.] This power includes ordering restitution, if such a condition is reasonably related to the crime of which the defendant was convicted or to future criminality. [Citation.] In addition, while it is still recognized that orders of restitution have rehabilitative purposes, it is now also recognized that such orders have the additional important purpose of preventing the victims of crimes from suffering economic loss. [Citations.]" (*In re I.M.* (2005) 125 Cal.App.4th 1195, 1208-1209.) "That a [minor] was not personally or immediately responsible for the victim's loss does not render an order of restitution improper." (Id. at p. 1210 [Restitution order as condition of the minor's probation for costs of the victim's funeral proper even where the minor was not involved in the victim's shooting, but was a member of the killer's gang and took possession of the gun used in the killing afterward.].)

Here, the court's restitutionary award was not arbitrary, but had a direct factual nexus to the damage caused by the minor's conduct. The city of Montclair provided a detailed enumeration of the work, equipment, time, and materials involved in the remediation of the graffiti for which minor was responsible. Thus, it provided evidence of the expense in cleaning minor's specific acts of graffiti. The court granted precisely the amount of restitution requested by the city of Montclair. Moreover, this amount was

less than half that requested in the original restitutionary memorandum. It was imposed as a condition of minor's probation.

As counsel reiterated at oral argument and as acknowledged by this court, the amount of restitution ordered by the court exceeded the city of Montclair's actual costs for remedying the graffiti caused by minor to the City. Nevertheless, the court's order was reasonably related to the offense which minor admitted, could reasonably be construed as having a rehabilitative purpose, and could reasonably be construed as having a deterrent effect on any future delinquent behavior by minor. Indeed, the record reflects minor was involved in 36 separate incidents of vandalism at 18 locations against five victims. One of the victims, the city of Pomona, indicated it was not seeking any restitution. It appears the city of Pomona also remedied the damage caused by minor to at least one of the other victims. Likewise, it appears the city of Montclair also remedied some of the damages to the victims who were residents of its city. It is difficult to see how an award of only \$237.50 within the context of the totality of minor's vandalism spree would serve the purposes of rehabilitation and deterrence. Thus, the juvenile court acted within its discretion in awarding restitution in the amount of \$1,240 to the city of Montclair as a condition of minor's probation.

B. Collection Fee

Minor contends the juvenile court erred in imposing the 10 percent collection fee because statutory law only permits such a fee in criminal cases and state law preempts imposition of the fee pursuant to the local municipal ordinances. We disagree that statutory law prohibits imposition of the fee or that state law preempts local imposition of the fee. Regardless, we hold imposition of the fee was appropriate as within the juvenile court's discretion to impose conditions of probation.

"At its discretion, the board of supervisors of any county may impose a fee to cover the actual administrative cost of collecting the restitution fine, not to exceed 10 percent of the amount ordered to be paid, to be added to the restitution fine and included in the order of the court, the proceeds of which shall be deposited in the general fund of the county." (§ 730.6, subd. (q). A victim restitution administrative fee of 10 percent of the amount collected may be imposed. (SB County Municipal Code § 16.0203A, subds. (ll) & (kk), formerly § 3026.)

"If the court orders restitution to be made to the victim, the entity collecting the restitution may add a fee to cover the actual administrative cost of collection, but not to exceed 15 percent of the total amount ordered to be paid. The amount of the fee shall be set by the board of supervisors if it is collected by the county and the fee collected shall be paid into the general fund of the county treasury for the use and benefit of the county. The amount of the fee shall be set by the court if it is collected by the court and the fee collected shall be paid into the Trial Court Operations Fund or account established by Section 77009 of the Government Code for the use and benefit of the court." (§ 1203.1, subd. (1).)

"The provisions of Part 2 (commencing with Section 681) shall apply to all criminal actions and proceedings in all courts, except where jurisdictional limitations or the nature of specific provisions prevent, or special provision is made for particular courts or proceedings." (§ 690.) Sections 1203.1 and 1202.4 are contained in Part 2 of the

Penal Code and therefore apply to criminal actions. "An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding." (Welf. & Inst. Code, § 203.)

A "'county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.' [Citation.]" (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.* (2013) 56 Cal.4th 729, 742, quoting Cal. Const., art. XI, § 7.) "[L]ocal legislation that conflicts with state law is void. [Citation.] "A conflict exists if the local legislation "duplicates, contradicts, or enters an area fully occupied by general law, either expressly or by legislative implication."" [Citations.]' [Citation.]" (*Riverside*, at p. 743.)

"[L]ocal legislation enters an area that is "fully occupied" by general law when the Legislature has expressly manifested its intent to "fully occupy" the area [citation], or when it has impliedly done so in light of one of the following indicia of intent: "(1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern; (2) the subject matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the" locality. [Citations.] (City of

Riverside v. Inland Empire Patients Health & Wellness Center, Inc., supra, 56 Cal.4th at p. 743.)

"The 'contradictory and inimical' form of preemption does not apply unless the ordinance directly requires what the state statute forbids or prohibits what the state enactment demands. [Citations.] Thus, no inimical conflict will be found where it is reasonably possible to comply with both the state and local laws." (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc., supra, 56* Cal.4th at p. 743 [Medical Marijuana Program Act and Compassionate Use Act (CUA) did not preempt local bans of medical marijuana dispensaries.].)

Here, the provision of the state Penal Code permitting collection fees for restitution awards in criminal proceedings does not demonstrate a matter of statewide concern such that local action permitting collection of such fees in juvenile delinquency matters would be preempted. (See *City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc., supra,* 56 Cal.4th at pp. 750, 753 [CUA's broad aim to ensure right of seriously ill persons to obtain and use medical marijuana did not prohibit local ordinances prohibiting distribution of medical marijuana.].) Likewise, there is no implied preemption because there is no duplication between the absence of a state statute expressly authorizing the collection of fees in juvenile delinquency cases for the cost of collecting restitution fees and the locality's provision allowing such fees. (*Id.* at p. 750.)

There is no "inimical' contradiction or conflict between the state and local laws, in the sense that it is impossible simultaneously to comply with both." (*City of Riverside* v. *Inland Empire Patients Health & Wellness Center, Inc. supra*, 56 Cal.4th at pp. 754-

755.) The Penal Code provision allowing for collection of fees in criminal proceedings does not prohibit a locality's ordinance from permitting the collection of such fees in juvenile delinquency cases. (*Id.* at p. 755.) Moreover, since there is no state legislation regarding the collection of such fees in juvenile delinquency cases there appears to be no attempt by the state legislature to occupy the field at all, let alone fully occupy it such that local ordinances respecting the issue would not be tolerated. (*Ibid.*)

Furthermore, defendant has failed to show that the local ordinance poses any adverse effect upon transient citizens of the state which outweighs the benefit of the ordinance to the locality. The fact that the state has provided for the collection of fees in criminal cases does not prohibit county ordinances from collecting such fees in juvenile delinquency cases. (See *Cohen v. Board of Supervisors* (1985) 40 Cal.3d 277, 296 quoting *Lancaster v. Municipal Court* (1972) 6 Cal.3d 805, 809; *Save the Plastic Bag Coalition v. City and County of San Francisco* (2013) 222 Cal.App.4th 863, 884-886.) The state's silence regarding collection fees on restitution fines in juvenile delinquency proceedings is not commensurate with an intent to bar local imposition of such fees. Thus, the imposition of a collection fee on a restitutionary award in a juvenile delinquency case is not preempted by state law. The court acted within its discretion in imposing the collection fee.

Finally, regardless of any argument regarding the applicability of the local ordinance in imposing a collection fee for the restitutionary award, the juvenile court had broad authority to impose the 10 percent collection fee as a condition of minor's probation. As discussed above, "In imposing probation conditions, the juvenile court's

power is even broader than that of a criminal court. [Citation.] Welfare and Institutions Code sections 727 and 730 authorize 'the juvenile court [to] impose and require "any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced." [Citation.]" (*In re James C., supra,* 165 Cal.App.4th at p. 1203.) Imposition of a 10 percent collection fee, amounting to \$124, on the restitution award of \$1,240 was a reasonable condition proper to the ends of justice and the reformation and rehabilitation of minor. Thus, the court acted well within its discretion in imposing the collection fee.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

	<u>CODRINGTON</u> J
We concur:	
HOLLENHORST Acting P. J.	
KING J.	